REMARKS

The Examiner in the Official Action 1-46 under 35 USC § 102(e) as being anticipated by Gershman et al. (US Patent 6,401,085) for the reasons set forth in paragraph 2.

The Examiner has also rejected claims 1, 20, 37 and 42 under 35 USC § 102(e) as being anticipated Layson, Jr. (US Patent 6,014,080). The Examiner has not provided any specific details for the basis of this rejection.

It is well settled that in order to anticipate an invention under 35 USC § 102(e), that each and every element of the claimed invention must be disclosed in a single reference. It is respectfully submitted that neither of the cited references anticipate the invention.

The present invention is directed to a system and method wherein there is provided a device for interaction with a user, the device having a first communication device for wireless communication. The method and system further includes a first computer having a second communication device that is capable of communicating with the first communication device, wherein the computer provides instruction to the device for controlling the operation of the device in response to a stored user profile on the computer.

It is respectfully submitted that neither of the references teach or suggest the invention as set forth.

The Gershman et al. reference is simply directed to a system that facilitates web based information retrieval and display. The passages in Gershman et al. that were referred to by the Examiner in paragraph 2 of the Official Action, fail to teach or disclose the invention as set forth by applicants. With respect to columns 4 and 5 the discussion of Gershman et al. simply is directed to the operating platforms that can be utilized. There is nothing unique or special about the platforms and they are not relevant to the present invention as set forth.

With respect to column 15 that discloses a criteria settable by the user, this is in complete contrast to the profile that is set at the stored personal computer. The setting set forth therein is merely used to provide a criteria for the conducting of a search. This has nothing to do with a personal profile that is used

and transmitted instruction to a device that is used for the controlling of the device remotely.

With regard to column 13, this portion of the reference discloses that the user's request may return in the format of a URL. It is not understood why this is of any particular relevance. This merely discloses information that is returned to the user that may have a particular format. This has nothing to do with the operation of the present invention. The present invention is directed to controlling a device based on a personal profile stored in a computer that is remote from the actual device.

The Examiner also refers to column 41 along with Fig. 13 as disclosing information of a personal profile that contains a user name, password unique identifier, profiles and profile restrictions. As applicants have previously pointed out, reference to column 41 and Fig. 13, merely discloses the use of the device for obtaining information. This is in contrast to the present invention wherein the information is obtained from the central computer and is used for controlling of the device for interactivity with the user.

The reference to column 48 by the Examiner, merely discloses a device for locating a user and sending a message to the device. This is not for independent inter-activity with the user and its surroundings.

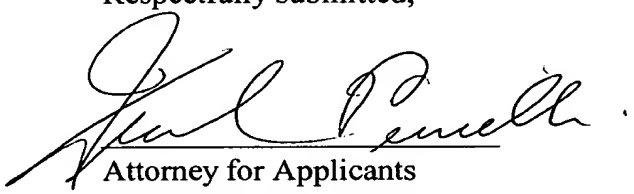
With respect to column 60, that incorporates a GPS Bio-sensors environmental sensors, this is merely directed to the operation of a hand-held device. It is not directed to obtaining a personal profile that is remotely stored on a computer and that is used with the device.

The Examiner goes on to discuss in further detail the reading of Gershman et al. with respect to the object-oriented program. While the Gershman et al. reference may discuss and disclose unique programming and analyzing, it is not the same thing to which the present invention is directed. In the present invention, the device that interacts with the user is a simple device which does not typically have a lot of computing power. It is the computer that is in communication with the device that uses a stored profile to provide the appropriate interaction between the device and the user. The object oriented programming of the Gershman et al. is of little relevance to the present invention.

With regard to Layson, Jr. patent, it is also believed that this reference is of little relevance to the present invention. Applicants do not understand how this anticipates the present invention. The Layson, Jr. reference, is directed a tamper resistant body worn tracking device that is to be worn by offenders or potential victims for user in wireless communication. There is not teaching or suggestion of the device communicating with a computer whereby the profile of the individual is used for the controlling of the device. The device worn by the users is simply a tracking device and is not designed to be interactive with the user in its environment as taught and claimed by applicants. It is believed that this reference is of no relevance to the present invention as set forth.

In view of the foregoing applicant respectfully submits that the application is in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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REMARKS

The Examiner in the official action in paragraph 1, rejected claims 6, 8, 11-13, and 20-36 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In this regard applicant has amended the claims to specifically recite first and second device computers. While all of these features have been added, the amendments have been more to clarify which particular computer is being referred to and does not effect the scope of reference of the claims.

The Examiner in paragraph 2 of the official action rejected claims 1-46 under 35 U.S.C. 102(e) as being anticipated by Gershman et al. (U.S. Patent 6,401,085) for the reasons set forth therein.

Applicant respectfully submits that the Gershman et al. reference is a little relevance to the present invention and does not teach or suggest the invention as taught and claimed by the applicant. In particular, the Gershman et al. reference is directed to a personal digital assistant (PDA) with Internet capabilities. The device as disclosed in the Gershman et al. reference are directed to either providing search engines, monitoring, locating, or simply providing calculations based on inquiries provided the user. The device of Gershman et al. is not an interactive device to which the present invention is directed.

The present invention is directed to a device that interacts with the user. The device is a wireless that can communicate with a computer, which provides instructions for controlling the operation of the device in response to a stored user profile. As set forth on the bottom of page 2, lines 31 through page 3, line 14, of the present application, the present invention provides a device that enhances user enjoyment by enabling a means for interactive devices to respond to their surroundings and also to respond to one or more users. For example, the device may have certain monitoring devices to know where it is and the various other items in the environment in which the user and device are located. The present invention allows the device to access the unique identity in the form of a personal profile of the user, which is also used for interaction with the user.

A device in accordance with the present invention may be a toy, which has various input and output features. For example, it can have a camera 14 or a microphone 16 and various sensors 32 and 33 for providing data that can be used in programming provided by a first device, which will then interact with the user, for example, providing speakers, output displays, modems, and actuators, identified by numerals 18 and 30. The transmitter/receiver 21 allows the information to be processed at a remote computer and also receive instructions provided by the program for the appropriate interactive response.

The interactivity of the present invention is taking data not supplied by the user by entering data into a PDA, but providing information that is typically in the surrounding environment and using that information to provide an interactive responses to the user. In addition, the interactive response can include other response to other individuals and other devices in the local environment. This type of interactivity is not taught or suggested by the cited Gershman et al. patent. The PDA of the Gershman et al. reference is directed to providing and gathering information. The personal profile that is discussed in Gershman et al. is used for limiting search criteria. It is not an interactive device where the device itself interacts with the user and its environment. Reference to column 41 and Figure 13 merely discloses the use of the device for obtaining information. The reference to column 48 merely discloses a device for locating a user and sending messages to the device, not for independent interactivity with the user and its surroundings.

The present invention is designed to be operated in accordance with a predetermined program for operating of the device. The information is used by the program for controlling its interactivity with the user. For example, the illustrated embodiment is a toy is programmed to provide a certain interactivity based on knowledge of certain environmental information. The user and any other friends that may be preset. The programming takes this information together and then provides interactivity with the user. For example, if the camera has face recognition type information it can recognize who is in the room with the user or it may have wireless capabilities of identifying local computers which may have other information that may be useful in providing feedback. It may also identify that other device are in the local area/environment that can also interact with the user and device provide interactivity between the user and its environment. This type of system is not taught or suggested by the Gershman et al. reference. There is no interactivity in Gershman et al. with the user as taught and claimed by the applicant. In the present invention the first computer provides instructions to the device controlling the operation and response to a stored user personal profile. Thus, the device takes into account its previous program and its environment in order to provide the appropriate response. Here again, this is not taught or suggested by the prior art.

In view of the foregoing, applicant submits that the claims in the present form are in condition for allowance and such action is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is captioned "**Version With Markings To Show Changes Made.**"

Respectfully submitted,

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Version With Markings To Show Changes Made

In the Claims:

Claim 1 has been amended as set forth below:

1. (Amended) A system for controlling the operation of a device in accordance with a user's personal profile, comprising:

a device for interaction with a user, said device having a first communication device for wireless communication;

a first computer having a second communication device capable of communicating with said first communication device, said computer providing instructions to said device for controlling the operation of said device in response to a stored user's personal profile.

Claim 3 has been amended as set forth below:

3. (Amended) A system according to claim 1, wherein said first computer operates in response to said data.

Claim 4 has been amended as set forth below:

4. (Amended) A system according to claim 1, wherein said first computer obtains additional data from other sources other than said device for use in providing instructions to said device.

Claim 5 has been amended as set forth below:

5. (Amended) A system according to claim 1, wherein said device includes logic systems for determining if said first computer is available for communication or whether [another computer system] second computer is available for use in obtaining said personal profile.

Claim 6 has been amended as set forth below:

6. (Amended) A system according to claim 5, wherein said [other] second computer goes to said [home] first computer for obtaining said personal profile.

Claim 8 has been amended as set forth below:

8. (Amended) A system according to claim 1, wherein said device includes a device computer whereby independent action can be controlled apart from said home computer.

Claim 11 has been amended as set forth below:

11. (Amended) A system according to claim 1, wherein said [home] first computer monitors the data received from said device so as to construct and/or adjust a personal profile.

Claim 12 has been amended as set forth below:

12. (Amended) A system according to claim 1, wherein said [home] first computer monitors the local location and environment in which said device is located.

Claim 13 has been amended as set forth below:

13. (Amended) A system according to claim 1, wherein said [home] first computer obtains information from other devices in proximity with respect to said device and controls the operation of said device in response thereto.

Claim 16 has been amended as set forth below:

16. (Amended) A system according to claim 1, wherein said [home] first computer is provided with a control circuit for controlling certain aspects of the operation of said device.

Claim 18 has been amended as set forth below:

18. (Amended) A system according to claim 1, wherein a second device interacts with said first device so as to obtain information and/or instructions that have been obtained from said first computer.

Claim 20 has been amended as set forth below:

20. (Amended) A system for controlling the operation of a device in accordance with a user's personal profile, comprising:

a device for interaction with a user, said device having a first communication device for wireless communication;

a first computer having a second communication device capable of communicating with said first communication device, said computer providing instructions to said device for controlling the operation of said device in response to the data received from said device being used with said user.

Claim 21 has been amended as set forth below:

21. (Amended) A system according to claim 20, wherein said device has at least one sensor for obtaining data for transmitting to said first computer which can be used in providing a response for forwarding to said device.

Claim 22 has been amended as set forth below:

22. (Amended) A system according to claim 20, wherein said first computer operates in response to said data.

Claim 23 has been amended as set forth below:

23. (Amended) A system according to claim 20, wherein said first computer obtains additional data from other sources than said device for use in providing instructions to said device.

Claim 24 has been amended as set forth below:

24. (Amended) A system according to claim 20, wherein said device includes logic systems for determining if said first computer is available for communication or whether [another computer system] second computer is available for use in obtaining said personal profile.

Claim 25 has been amended as set forth below:

25. (Amended) A system according to claim 24, wherein said [other] second computer goes to said [home] first computer for obtaining said personal profile.

Claim 26 has been amended as set forth below:

26. (Amended) A system according to claim 25, wherein said device provides a URL to said first computer.

Claim 27 has been amended as set forth below:

27. (Amended) A system according to claim 20, wherein said device includes a device computer whereby independent action can be controlled apart from said home computer.

Claim 30 has been amended as set forth below:

30. (Amended) A system according to claim 20, wherein said [home] first computer monitors the data received from said device so as to construct a personal profile, said personal profile and/or adjust said personal profile.

Claim 31 has been amended as set forth below:

31. (Amended) A system according to claim 20, wherein said [home] first computer monitors the local location and environment in which said device is located.

Claim 32 has been amended as set forth below:

32. (Amended) A system according to claim 20, wherein said [home] first computer obtains information from other devices in proximity with respect to said device and controlling the operation of said device in response thereto.

Claim 35 has been amended as set forth below:

35. (Amended) A system according to claim 20, wherein said [home] first computer is provided with a control circuit for controlling certain aspects of the operation of said device.